

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
AIKEN DIVISION

Norris Allen Martin,)	Case No.: 1:13-cv-01824-TLW
)	
Petitioner,)	
)	
vs.)	
)	
Warden, <i>Lee Correctional Institution</i> ,)	
)	
Respondent.)	
_____)	

ORDER

On July 3, 2013, the Petitioner, Norris Allen Martin, proceeding *pro se*, filed this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. #1). Respondent filed a motion for summary judgment and memorandum in support on December 9, 2013. (Docs. #34, 35). Petitioner filed a timely response. (Docs. #42, 44, 45). In addition to the § 2254 petition, the Petitioner also filed a motion for preliminary injunction, (Doc. #29), and motion for entry of default, (Doc. #40).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by Magistrate Judge Shiva V. Hodges, to whom this case was previously assigned. (Doc. #47). In the Report, the Magistrate Judge recommends that the Court grant the motion for summary judgment and dismiss the §2254 petition with prejudice. (*Id.*). In addition, the Report recommends that court deny the motion for preliminary injunction and motion for entry of default. (*Id.*). Petitioner filed objections to the Report on April 2, 2014. (Doc. #50). The

Court has reviewed and considered the objections. In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections.... The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of the standard set forth in Wallace, the Court has reviewed, de novo, the Report and the objections. After careful review of the Report and objections thereto, the Court hereby **ACCEPTS** the Magistrate Judge's Report and Recommendation, (Doc. # 47). The Petitioner's objections, (Doc. #50), are **OVERULED**. The Respondent's Motion for Summary Judgment, (Doc. #34), is **GRANTED** and the Petitioner's §2254 petition, (Doc. #1), is **DISMISSED** with prejudice. The motion for preliminary injunction, (Doc. #29), and motion for entry of default, (Doc. #40), are **DENIED**.

IT IS SO ORDERED.

s/Terry L. Wooten
Chief United States District Judge

June 27, 2014
Columbia, South Carolina